UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/96
14 December 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Items 16 and 17 (a) of the provisional agenda

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

PROMOTION AND PROTECTION OF HUMAN RIGHTS: STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Status of withdrawals and reservations with respect to the International Covenants on Human Rights

Report of the Secretary-General

GE.99-16312 (E)

I INTRODUCTION

1. In its resolution 1999/5, the Sub-Commission on the Promotion and Protection of Human Rights requested the Secretary-General to submit a report on the status of withdrawals and reservations with regard to the international human rights treaties to the Commission on Human Rights and the Sub-Commission. The present report was prepared pursuant to that request. It presents in tabular form the status of reservations, declarations and understandings made by States parties to the component treaties of the International Bill of Human Rights, any communications received thereon, as well as any notifications received concerning withdrawals from these treaties. The text of all reservations, declarations, understandings and all communications relating to them with respect to these and other multilateral treaties are normally reproduced in full in the annual publication, Multilateral Treaties deposited with the Secretary-General*.

II STATUS OF RESERVATIONS, DECLARATIONS AND UNDERSTANDINGS, AND COMMUNICATIONS RECEIVED THEREON

A. International Covenant on Economic, Social and Cultural Rights

2. There are 142 States parties to this treaty. The States parties indicated in table 1 have communicated to the Secretary-General reservations, declarations or understandings with respect to it.

Table 1. Reservations, declarations and understandings made with respect to the International Covenant on Economic, Social and Cultural Rights

State party	Treaty provisions to which reservations, declarations or understandings were made
Afghanistan	Art. 26, paras. 1 and 3
Algeria	Arts. 1, 8, 13, paras. 3 and 4, and 14
Bangladesh	Arts. 1, 2, 3, 7, 8, 10 and 13
Barbados	Arts. 7, para. (a) (1), 10, para. 2, and 13, para. 2 (a)
(Belarus)	(Reservations withdrawn)
Belgium	Art. 2, paras. 2 and 3
Bulgaria	Art. 26, paras. 1 and 3
Congo	Art. 13, paras. 3 and 4
Czech Republic	a/
Denmark	Art. 7 (d) (Reservation to art. 7, para. (a) (i) withdrawn)

* United Nations publication. The sales number of the most recent edition (status as at 30 April 1999) is E.99.V.5. A regularly updated version of this publication can be viewed through the Internet site of the Office of Legal Affairs at "http://www.un.org/Depts/Treaty".

State party	Treaty provisions to which reservations, declarations or understandings were made
Egypt	General declaration
France	General declaration, arts. 6, 8, 9, 11 and 13
Germany	b/
Guinea	Arts. 1, para. 3, 14 and 26, para. 1
Hungary	Art. 26, paras. 1 and 3
India	Arts. 1, 4, 7 para. (c), and 8
Iraq	General statement
Ireland	Arts. 2, para. 2, and 13, para. 2 (a)
Japan	Arts. 7, para. (d), 8, paras. 1 (d) and 2, and 13, para. 2 (b) and (c)
Kenya	Art. 10, para. 2
Kuwait	Arts. 2, para. 2, 3, 8, para. 1 (d), and 9
Libyan Arab Jamahiriya	General statement
Madagascar	Art. 13, para. 2
Malta	Art. 13 (Reservation on art. 10, para. 2, withdrawn)
Mexico	Art. 8
Monaco	Art. 2, para. 2, 6, 8, 9, 11 and 13
Mongolia	Art. 26, para. 1
Netherlands	Art. 8, para. 1 (d), in respect of Netherlands Antilles
New Zealand	Arts. 8 and 10, para. 2
Norway	Art. 8, para. 1 (d)
Portugal	General statement and art. 1 in respect of Macau
Romania	Arts. 1, para. 3, 14 and 26, para. 1
Russian Federation	Art. 26, para. 1
Rwanda	General statement
Slovakia	a/
Solomon Islands	Arts. 10, para. 1, 13, para. 2 (a), and14 c/
Sweden	Art. 7, para. (d)
Syrian Arab Republic	General statement; art. 26, para. 1
Thailand	Art. 1, para. 1
Trinidad and Tobago	Art. 8, paras. 1 (d) and 2

State party	Treaty provisions to which reservations, declarations or understandings were made
Ukraine	Art. 26, para. 1
United Kingdom of Great Britain and Northern Ireland	General statement in respect of Southern Rhodesia, art. 1, art. 2, para. 3 (in respect of the British Virgin Islands, the Cayman Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies, the Turks and Caicos Islands and Tuvalu), art. 6, art. 7, para. (a) (i) (in respect of Jersey, Guernsey, the Isle of Man, Bermuda, Hong Kong and the Solomon Islands), art. 8, para. 1 (b) (in respect of Hong Kong), art. 9 (in respect of the Cayman Islands and the Falkland Islands, art. 10, para. 1 (in respect of the Solomon Islands), para. 2 (in respect of Bermuda and the Falkland Islands), art. 13, para. 2 (a), and art. 14 (in respect of the Gilbert Islands, the Solomon Islands and Tuvalu)
Viet Nam	Art. 26, para. 1
Yemen	General statement d/
Zambia	Art. 13, para. 2 (a)

a/ In 1975, Czechoslovakia ratified the Covenant with reservations.

b/ The German Democratic Republic had signed and ratified the Covenant with reservations in 1973. The Federal Republic of Germany had ratified the Covenant in 1973 with a declaration.

c/ Upon succeeding to the Covenant in 1982, the Government of the Solomon Islands declared that the Solomon Islands maintained the reservations entered by the United Kingdom save insofar as the same could not apply to the Solomon Islands.

d/ The formality was effected by the Yemen Arab Republic. In 1990, the Secretary-General was informed by the Ministers for Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen that their countries would merge in a single sovereign State called the Republic of Yemen and that all treaties and agreements concluded between either the Yemen Arab Republic or the People's Democratic Republic of Yemen and other States and international organizations in accordance with international law which were in force on the day of their merger would remain in effect.

3. Communications on reservations, declarations or understandings have been received by the Secretary-General as indicated below in table 2.

Table 2. Communications on reservations, declarations or understandings made to the International Covenant on Economic, Social and Cultural Rights

Communication received from	With respect to reservations, declarations or understandings made by
Finland	Kuwait
France	India
Germany	Algeria, India, Kuwait
Israel	Iraq, Libyan Arab Jamahiriya, Syrian Arab Republic
Italy	Kuwait
Netherlands	Algeria, India, Kuwait
Norway	Kuwait
Portugal	Algeria
Sweden	Kuwait

B. International Covenant on Civil and Political Rights

4. There are 144 States parties to this treaty. The States parties indicated in table 3 have communicated to the Secretary-General reservations, declarations or understandings with respect to it.

Table 3. Reservations, declarations and understandings with respect to the International Covenant on Civil and Political Rights

State party	Treaty provisions to which reservations, declarations or understandings were made
Afghanistan	Art. 48, paras. 1 and 3
Algeria	Arts. 1, 22 and 23, para. 4
Argentina	Art. 15
Australia	General statement; arts. 10, paras. 2 (a) and (b) and para. 3, second sentence, 14, para. 6, 19, 21 and 22 (Reservations and declarations made on arts. 2, 10, 14, 17, 19, 20, 25 and 50 withdrawn)
Austria	Arts. 2, para. 1, 9, 10, para. 3, 12, para. 4, 14, paras. 3 (d), 5 and 7, 19, 21, 22 and 26
Barbados	Art. 14, para. 3 (d)
(Belarus)	(Declaration on art. 48, para. 1, withdrawn)
Belgium	Arts. 10, paras. 2 (a) and 3, 14, paras. 1 and 5, 19, 20, 21, 22 and 23, para. 2 (Reservations to arts. 2, 3 and 25 withdrawn)
Belize	Arts. 12, para. 2, and 14, paras. 3 (d) and 6
Bulgaria	Art. 48, paras. 1 and 3

State party	Treaty provisions to which reservations, declarations or understandings were made
Congo	Art. 11
Czech Republic	a/
Denmark	Arts. 10, para. 3, second sentence, 14, paras. 1, 5 and 7, and 20, para. 1
Egypt	General declaration
Finland	Arts. 10, paras. 2 (b) and 3, 14, para. 7, and 20, para. 1 (Reservations to arts. 13 and 14, para. 1, withdrawn)
France	General statement; arts. 4, para. 1, 9, 13, 14, 19, 20, para. 1, 21, 22 and 27 (Reservation to art. 19 withdrawn)
Gambia	Art. 14, para. 3 (d)
Germany b/	Arts. 2, para. 1, 14, paras. 3 (d) and 5, 15, para. 1, 19, 21 and 22
Guinea	Art. 48, para. 1
Guyana	Art. 14, paras. 3 (d) and 6
Hungary	Art. 48, paras. 1 and 3
Iceland	Art. 10, para. 2 (b) and 3, second sentence, 13, 14, para. 7, and 20, para. 1 (Reservation to art. 8, para. 3 (a), withdrawn)
India	Arts. 1, 9 and 13
Iraq	General statement
Ireland	Art. 10, para. 2, 14, 19, para. 2, and 20, para. 1 (Declarations on arts. 6, para. 5, 14, para. 6, and 23, para. 4, withdrawn)
Israel	Art. 23
Italy	Art. 9, para. 5, 12, para. 4, 14, paras. 3 and 5, 15, para. 1, and 19, para. 3
Japan	Art. 22, para. 2
Kuwait	Arts. 2, para. 1, 3, 23 and 25, para. (b)
Libyan Arab Jamahiriya	General statement
Liechtenstein	Arts. 3, 14, para. 1, 17, para. 1, 20, 24, para. 3, and 26
Luxembourg	Arts. 10, para. 3, 14, paras. 3 and 5, 19, para. 2, and 20
Malta	Arts. 13, 14, paras. 2 and 6, 19, 20 and 22
Mexico	Arts. 9, para. 5, 13, 18 and 25 (b)
Monaco	Arts. 2, paras. 1 and 2, 3, 13, 14, para. 5, 19, 21, 22, 25 and 26
Mongolia	Art. 48, para. 1
Netherlands	Arts. 10, 12, paras. 1, 2 and 4, 14, paras. 3 (d), 5 and 7, 19, para. 2, and 20, para. 1 (Reservation on application of art. 25 (c) in the Netherlands Antilles withdrawn)

State party	Treaty provisions to which reservations, declarations or understandings were made
New Zealand	Arts. 10, paras. 2 (b) and 3, 14, para. 6, 20 and 22
Norway	Arts. 10, paras. 2 (b) and 3, 14, paras. 5 and 7, and 20, para. 1 (Reservation to art. 6, para. 4, withdrawn)
Portugal	General statement and arts. 1, 12, para. 4, 13 and 25, para. (b), in respect of Macau
Republic of Korea	Arts. 14, para. 5, and 22 (Reservation to arts. 14, para. 7, and 23, para. 4, withdrawn)
Romania	Arts. 1, para. 3, and 48, para. 1
Russian Federation	Art. 48, para. 1
Slovakia	a/
Sweden	Arts. 10, para. 3, 14, para. 7, and 20, para. 1
Switzerland	Arts. 10, para. 2 (b), 12, para. 1, 14, paras. 1, 3 (d) and (f) and 5, 14, para. 5, 20, para. 1, 25 (b), and 26 (Reservation to art. 20, para. 2, withdrawn)
Syrian Arab Republic	Art. 48, para. 1
Thailand	Arts. 1, para. 1, 6, para. 5, 9, para. 3, and 20, para. 1
Trinidad and Tobago	Arts. 4, para. 2, 10, paras. 2 (b) and 3, 12, para. 2, 14, paras. 5 and 6, 15, para. 1, last sentence, c/ 21 and 26
Ukraine	Art. 48, para. 1
United Kingdom of Great Britain and Northern Ireland	General reservation; General declaration in relation to Southern Rhodesia; art. 1; art. 10, para. 2 (a) in relation to Gibraltar, Montserrat and the Turks and Caicos Islands, paras. 2 (b) and 3; art. 11 in relation to Jersey; art. 12, paras. 1 and 4; art. 13 in relation to Hong Kong; art. 14, para. 3 (d) in relation to the British Virgin Islands, the Cayman Islands, the Falkland Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies and Tuvalu; art. 20; art. 23, para. 3, in relation to the Solomon Islands, art. 24, para. 3, art. 25 (b) in relation to Hong Kong (Reservation to art. 25 (c) withdrawn)
United States of America	General understanding; declaration on arts. 1-27; arts. 2, para. 1, 4, paras. 1, 5, paras. 2, 7, 9 paras. 5, 10, paras. 2 (a), (b) and 3, 14, paras. 3 (b), (d), (e), 4, 6 and 7, 15, paras. 1, 19, paras. 3, 20, 26 and 47
Venezuela	Art. 14 para. 3 (d)
Viet Nam	Art. 48 para. 1
Yemen	General statement d/

a/ In 1975, Czechoslovakia ratified the Covenant with reservations and declarations.

b/ In 1973, the German Democratic Republic had signed and ratified the Covenant with reservations and declarations. In 1997, the Government of Germany communicated that it

wished to call attention to the reservations made by the Federal Republic of Germany upon ratification of the Covenant with regard to articles 19, 21 and 22 in conjunction with articles 2, paragraph 1, 14, paragraphs 3 and 5, and 15, paragraph 1.

c/ In a communication received by the Secretary-General in 1979, the Government of Trinidad and Tobago confirmed that its statement regarding article 15, paragraph 1, constituted an interpretative declaration which did not aim to exclude or modify the legal effect of the provisions of the Covenant.

d/ The formality was effected by the Yemen Arab Republic. In 1990, the Secretary-General was informed by the Ministers for Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen that their countries would merge in a single sovereign State called the Republic of Yemen and that all treaties and agreements concluded between either the Yemen Arab Republic or the People's Democratic Republic of Yemen and other States and international organizations in accordance with international law which were in force on the day of their merger would remain in effect.

5. Communications on reservations, declarations or understandings have been received by the Secretary-General as indicated below in table 4.

Table 4. Communications on reservations, declarations or understandings made to the International Covenant on Civil and Political Rights

Communication received from	With respect to reservations, declarations or understandings made by
Belgium	Congo, United States of America
Czech Republic a/	Republic of Korea
Denmark	United States of America
Finland	Kuwait, United States of America
France	India, United States of America
Germany	Algeria, France, Kuwait, Republic of Korea, Trinidad and Tobago, United States of America
Israel	Iraq, Libyan Arab Jamahiriya, Syrian Arab Republic
Italy	United States of America
Netherlands	Australia, Congo, Kuwait, Republic of Korea, Thailand, Trinidad and Tobago, United States of America
Norway	Kuwait, United States of America
Portugal	United States of America
Slovakia a/	Republic of Korea
Spain	United States of America
Sweden	Kuwait, United States of America

Communication received from	With respect to reservations, declarations or understandings made by
United Kingdom of Great Britain and Northern Ireland	Republic of Korea

a/ The objection was communicated to the Secretary-General in 1991 by the Government of Czechoslovakia on behalf of the Government of the Czech and Slovak Federal Republic

C. Optional Protocol to the International Covenant on Civil and Political Rights

6. There are 95 States parties to the Optional Protocol. The States parties indicated in table 5 have communicated to the Secretary-General reservations, declarations or understandings with respect to it.

Table 5. Reservations, declarations or understandings made with respect to the Optional Protocol to the International Covenant on Civil and Political Rights

State party	Treaty provisions to which reservations, declarations or understandings were made
Austria	Art. 5, para. 2
Chile	General statement
Croatia	Arts. 1 and 5, para. 2 (a)
Denmark	Art. 5, para. 2 (a)
El Salvador	General statement, art. 9, para. 2
France	Arts. 1, 5, para. 2 (a) and 7
Germany	Art. 5, para. 2 (a) and 26
Guyana	Art. 6
Iceland	Art. 5, para. 2
Ireland	Art. 5, para. 2
Italy	Art. 5, para. 2
Luxembourg	Art. 5, para. 2
Malta	Arts. 1, and 5, para. 2
Norway	Art. 5, para. 2
Poland	Art. 5, para. 2 (a)
Romania	Art. 5, para. 2 (a)
Russian Federation	General statement, art. 1
Slovenia	Arts. 1 and 5, para. 2 (a)
Spain	Art. 5, para. 2
Sri Lanka	General statement, art. 1

State party	Treaty provisions to which reservations, declarations or understandings were made
Sweden	Art. 5, para. 2
Trinidad and Tobago	Art. 1
Uganda	Art. 5, para. 2
Venezuela	a/

a/ A communication from the Government of Venezuela identical to one received with regard to article 14, paragraph 3 (d), of the International Covenant on Civil and Political Rights has been received by the Secretary-General.

7. Communications on reservations, declarations or understandings have been received by the Secretary-General as indicated below in table 6.

Table 6. Communications received on reservations, declarations or understandings made to the Optional Protocol to the International Covenant on Civil and Political Rights

Communication received from:	With respect to reservations, declarations or understandings made by:
Denmark	Trinidad and Tobago
France	Trinidad and Tobago
Germany	Guyana, Trinidad and Tobago
Ireland	Trinidad and Tobago
Italy	Trinidad and Tobago
Netherlands	Guyana, Trinidad and Tobago
Norway	Trinidad and Tobago
Spain	Trinidad and Tobago
Sweden	Trinidad and Tobago

D. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

8. There are 40 States parties to the Second Optional Protocol. The States parties indicated in table 7 have communicated to the Secretary-General reservations, declarations or understandings with respect to it.

Table 7. Reservations, declarations and understandings made with respect to the Second Optional Protocol to the International Covenant on Civil and Political Rights

State party	Treaty provisions to which reservations, declarations or understandings were made
Azerbaijan	Art. 2, para. 1
Cyprus	Art. 2, para. 1
Greece	Art. 2, para. 1
(Spain)	(Reservation to art. 2, para. 1, withdrawn)
Malta	Art. 2, para. 1

9. No communications with respect to the reservations, declarations or understandings to the Second Optional Protocol have been received by the Secretary-General.

III. COMMUNICATIONS RECEIVED CONCERNING WITHDRAWALS

A. International Covenant on Civil and Political Rights

Democratic People's Republic of Korea

10. On 25 August 1997, the Secretary-General received from the Government of the Democratic People's Republic of Korea a notification of withdrawal from the Covenant, dated 23 August 1997.

11. As the Covenant does not contain a withdrawal provision, the United Nations Secretariat forwarded on 23 September 1997 an aide-mémoire to the Government of the Democratic People's Republic of Korea explaining the legal position arising from the above notification. As elaborated in this aide-mémoire, the Secretary-General is of the opinion that a withdrawal from the Covenant would not appear possible unless all States parties to the Covenant agree with such a withdrawal. The notification of withdrawal and the aide-mémoire were duly circulated to all States parties on 12 November 1997.

B. Optional Protocol to the International Covenant on Civil and Political Rights

Guyana

12. On 5 January 1999, the Government of Guyana notified the Secretary-General that it had decided to denounce the said Optional Protocol with effect from 5 April 1999. On the same date, the Government of Guyana re-acceded to the Optional Protocol with reservations (see table 5). It may be recalled that the Government of Guyana had initially acceded to the Optional Protocol on 10 May 1993.

Jamaica

13 On 23 October 1997, the Government of Jamaica notified the Secretary-General of its denunciation of the Optional Protocol.

Trinidad and Tobago

14 On 26 May 1998, the Government of Trinidad and Tobago informed the Secretary-General of its decision to denounce the Optional Protocol with effect from 26 August 1998. On the same date, the Government of Trinidad and Tobago re-acceded to the Optional Protocol with reservations (see table 5). It may be recalled that the Government of Trinidad and Tobago had initially acceded to the Optional Protocol on 14 November 1980.